IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WA.No. 65 of 2007()

AGAINST THE ORDER IN WPC.16274/2005 Dated 18/12/2006
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APPELLANT/PETITIONER:

V.RAMANANDA PRABHU,
KRISHNA PRABHU BUILDING, BASIN ROAD,
ERNAKULAM.

BY ADV. SRI.DINESH R.SHENOY

RESPONDENTS/RESPONDENTS:
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1. THE CORPORATION OF COCHIN, REP.
BY THE SECRETARY, CORPORATION OF COCHIN,
COCHIN-11.

2. SHRI. NAHAS, TOWN PLANNING OFFICER, CORPORATION OF COCHIN, NEAR BOAT JETTY, COCHIN-11.

3. V.M.NOUFAL,
CONTINENTAL RICE DEPOT., BROADWAY, ERNAKULAM.

4. V.M.NAJEEB,
CONTINENTAL RICE DEPOT., BROADWAY, ERNAKULAM.

5. THE DIRECTOR, VIGILANCE & ANTICORRUPTION BUREAU,
THIRUVANANTHAPURAM.

6. STATE OF KERALA, REP. BY THE SECRETARY, LOCAL ADMINISTRATION DEPARTMENT, GOVT. OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.PRAVEEN K. JOY,
SRI.LAKSHMI NARAYANAN
R5 & R6 BY GOVERNMENT PLEADER MR.T.B.HOOD
SRI.V.GIRI

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & M.RAMACHANDRAN, J.

W.A.No.65 of 2007

Dated, this the 15th day of January, 2007

JUDGMENT

V.K.Bali,C.J.(Oral)

This writ appeal has been filed challenging the interim order dated 18th December, 2006 in W.P.(C) No.16274 of 2005. Learned counsel appearing for the appellant while referring to the observations made by the learned Single Judge in paragraph 4 of the interim order states that the properties of all the parties which may be 14 in number shall have to be measured out in the way and manner the order has been passed. The contention does not appear to be correct. The following observation made by the learned Single Judge will make it clear that properties of both parties only have to be measured:

> "There being no plan available with the writ petitioner about the construction of bis building, the properties of both parties should be measured out basing on the title deeds in their possession, and the respective boundaries shall clearly be marked in the plan so prepared."

2. The parties in this case are petitioner and respondents 3 and 4. Be that as it may, we make it clear that the measurement will be only with regard to the parties as mentioned above. Before passing this order we have heard counsel for both parties.

V.K. BALI,
CHIEF JUSTICE.

M.RAMACHANDRAN,
JUDGE.

vns